

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Crl.Misc.No.74981-M of 2006

Date of Decision:- 09.1.2007

Ram Bhaj

.....Petitioner(s)
through
Ms.Tanu Bedi, Advocate.

vs.

State of Haryana

.....Respondent(s)
through
Mr.R.D.Sharma, DAG, Haryana.

CORAM:- HON'BLE MR. JUSTICE SURYA KANT.

SURYA KANT, J. (ORAL)

The petitioner, who is a life convict, is aggrieved at the order dated 18.10.2006 (Annexure P-1) whereby the Director General of Prisons, Haryana, has turned down his request for release on parole for house repair purposes on the ground that the house is newly constructed and does not require any repairs.

Somewhat similar plea has been taken in the reply filed on behalf of the respondents.

In addition to a certificate dated 17.5.2006 (Annexure P-2) purported to have been issued by the Gram Panchayat of the village which suggests that the petitioner's house is in bad condition and needs repairs, learned counsel for the petitioner contends that the kind and quality of repairs to be carried out in the house, should be left to the choice and needs of the owner, namely, the prisoner.

After hearing learned counsel for the parties, I am of the considered view that the approach with which applications for release on such kind of paroles are being dealt with by the respondents, is totally erroneous and contrary to the objective behind the provisions of the

Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. The legislative object behind the Act appears to encourage the prisoners to exhibit good conduct and behaviour while in jail and to suitably reward them for the same by way of temporary release(s) of various kind. The Authorities, however, have adopted a hyper-technical and mechanical approach with an over-jealous attitude to turn down even genuine requests.

In a case like the one in hand, it would have been more appropriate to ask the petitioner to furnish further details as to what kind of repairs he wants to carry out in his newly constructed house. May be that the petitioner has sufficient means to further renovate his newly constructed house to make it more comfortable and liveable for his family members. Why should the authorities object to it?

It has to be kept in view that not only the need of a prisoner alone but his good conduct and behaviour, coupled with other statutory requirements, make him eligible for his temporary release on parole. Unfortunately, even those prisoners who fulfil all the conditions, are being deprived of the incentives of good behaviour and conduct, which the State Legislature has conferred upon them.

With these observations, this petition is allowed to the extent that the impugned order dated 18.10.2006 passed by the Director General of Prisons, Haryana, is quashed and the said Authority is directed to reconsider the petitioner's request in the light of the observations made herein-above. The necessary decision shall be taken within a period of one month from the date of receipt of certified copy of this order.

January 09, 2007
poonam

(SURYA KANT)
JUDGE